



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

May 8, 2020

BY CM/ECF

The Honorable Richard J. Sullivan
United States Circuit Judge
Southern District of New York
40 Foley Square
New York, New York 10007

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: ***United States v. Dajahn McBean***, 17 Cr. 216 (RJS);
United States v. Dajahn McBean and William Valdez, 20 Cr. 226 (KPF)

Dear Judge Failla and Judge Sullivan:

The Government writes pursuant to Local Criminal Rule 1.6 to bring to your attention facts that may be relevant to a determination whether these cases should be heard before one Court. By way of background, Defendant Dajahn McBean pleaded guilty to aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A and 2 on or about June 6, 2017 before Judge Sullivan. On September 6, 2017, the defendant was sentenced to two years' imprisonment and 12 months of supervised release. On January 29, 2019—while the defendant was on supervised release—the defendant was arrested by the Westchester County Police Department following a high-speed chase, car crash, and recovery of a gun. The defendant and co-defendant William Valdez were charged in state court with several crimes relating to the arrest. *See* Case No. 00157S-2019. The Government understands that the defendant has pleaded guilty in Westchester County state court and is awaiting sentencing. As a result of the charges in Westchester County state court, a petition containing alleged violations of supervised release is currently pending before Judge Sullivan, and the next conference date is June 12, 2020 at 10 a.m.

In connection with the arrest on January 29, 2019, law enforcement officers also recovered debit cards in the names of other people and a cellphone containing communications between McBean and Valdez discussing participation in bank fraud. Based in part on this evidence, the Government has now charged McBean and Valdez in the 20 Cr. 226 (KPF) indictment with bank fraud conspiracy, in violation of Title 18, United States Code, Section 1349; and aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A

and 2. These charges relate to the participation of the defendants in a scheme to steal money from banks by depositing counterfeit checks into bank accounts controlled by members of the scheme between in or around November 2018 and in or around January 2019. The Government understands that the United States Probation Office will likely amend its violation petition to include the charges in the 20 Cr. 226 (KPF) Indictment. During a pretrial conference on May 8, 2020, Judge Failla noted that violations of supervised release have sometimes been transferred to her in cases with a similar procedural posture.

As a result, these facts may be relevant to a determination of whether the alleged violations of supervised release for Defendant Dajahn McBean in docket number 17 Cr. 216 (RJS) should be conducted before Judge Failla.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: /s/ Andrew K. Chan
Andrew K. Chan
Assistant United States Attorney
Tel. 212-637-1072

cc: Steven Brill, Esq.